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Attorney for Defendant
CATRINA BROWN

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 5:23-mj-00009-CDB
)	
<i>Plaintiff,</i>)	MOTION AND
)	ORDER APPOINTING COUNSEL
vs.)	
)	18 U.S.C. § 3006A(c)
CATRINA BROWN,)	
)	
<i>Defendant,</i>)	
_____)	

The Federal Defender – California Eastern hereby moves to appoint the Federal Defender, case assigned to Assistant Federal Defender Laura Myers, as counsel for Defendant Catrina Brown, pursuant to U.S. CONST., amend VI, 18 U.S.C. § 3006A, EDCA General Order 582 (Criminal Justice Act [CJA] Plan), and *Guide to Judiciary Policy*, Vol.7, Part A, Chap.2. § 210.20 subsections.

On August 16, 2021, law enforcement cited Ms. Brown for carrying an open container in a motor vehicle within a national park, in violation of 36 CFR § 4.14(b). Ms. Brown made her initial appearance on the citation on March 1, 2022. At that appearance, the Federal Defender Office was appointed to represent Ms. Brown. (See CM/ECF for the Eastern District of California, Case No. 5:22-po-00005, docket entry 5). The case was dismissed without prejudice on August 9, 2022.

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1 On April 7, 2023, the government filed an information charging Ms. Brown with the
2 same offense, carrying an open container in a motor vehicle within a national park on August 16,
3 2021.

4 Ms. Brown provided the Federal Defender a signed and completed *Financial Affidavit* as
5 evidence of her inability to retain counsel. After reviewing the *Financial Affidavit*, the Federal
6 Defender believes Ms. Brown cannot afford to retain counsel to advise her in this matter.
7 “Before proceeding with a criminal prosecution against an unrepresented defendant who has not
8 expressly waived counsel ‘[t]he district court must first make adequate inquiry into the need for
9 the appointment of counsel, with appropriate findings.’” *United States v. Wadsworth*, 830 F.2d
10 1500, 1504 (9th Cir. 1987) (citations omitted).

11 The Criminal Justice Act provides a framework for ensuring that individuals who are
12 financially unable to afford defense counsel are provided counsel as required by the Sixth
13 Amendment. *United States v. Brockman*, 183 F.3d 891, 897 (8th Cir.1999). The Act requires that
14 each United States district court create “a plan for furnishing representation for any person
15 financially unable to obtain adequate representation....” 18 U.S.C. § 3006A(a). A person is
16 eligible for court appointed counsel if, after the United States magistrate judge or court conducts
17 an “appropriate inquiry,” the court is satisfied that “the person is financially unable to obtain
18 counsel.” 18 U.S.C. § 3006A(b). Financial inability to obtain counsel is not the same as being
19 indigent or destitute, but the defendant has the burden of establishing that he or she is financially
20 unable to obtain counsel. *Brockman*, 183 F.3d at 897.

21 The Federal Defender respectfully recommends this Court promptly appoint the Federal
22 Defender, case assigned to Assistant Federal Defender Laura Myers, as counsel pursuant to the
23 law and policies cited above.

24
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26 DATED: July 6, 2023

27 /s/ Laura Myers
28 LAURA MYERS
 Assistant Federal Defender

ORDER

Upon the Federal Defender's *Motion to Appoint Counsel* for Defendant Catrina Brown, and good cause appearing both in (a) Ms. Brown's inability to afford to hire counsel based on the instant motion and CJA 23 Financial Affidavit subsequently lodged with the undersigned's chambers on this date, and (b) this being a situation for which appointment should be made pursuant to U.S. CONST., amend VI, 18 U.S.C. § 3006A, EDCA General Order 582 (Criminal Justice Act [CJA] Plan), and *Guide to Judiciary Policy*, Vol.7, Part A, Chap.2. § 210.20 subsections,

IT IS HEREBY ORDERED appointing the Federal Defender, case assigned to Assistant Federal Defender Laura Myers, as counsel for Ms. Brown in this matter.

IT IS SO ORDERED.

Dated: **July 7, 2023**


UNITED STATES MAGISTRATE JUDGE